

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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RANDI FISHER, et al.,	)	
	)	
Plaintiffs,	)	Case No. 1:11-cv-242
	)	
v.	)	Honorable Paul L. Maloney
	)	
UNITED STATES OF AMERICA, et al.,	)	
	)	<b><u>DISCOVERY ORDER</u></b>
Defendants.	)	
	)	

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This matter came on for hearing on the motion of the Battle Creek Health System defendants to compel discovery pursuant to Fed. R. Civ. P. 37(a). At a hearing conducted on December 6, 2011, the court found that the moving defendants served interrogatories, document requests, and information releases on plaintiffs on October 4, 2011, but that plaintiffs have failed to respond as required by the Federal Rules of Civil Procedure. Defendants are therefore entitled to an order compelling discovery. Accordingly:

IT IS ORDERED that the motion of the Battle Creek Health Systems defendants to compel answers to discovery requests (docket # 33) be and hereby is GRANTED, as follows:

A. No later than **December 16, 2011**, plaintiffs must provide to defense counsel the following: (1) complete answers, signed under oath, to all outstanding interrogatories; (2) all documents demanded in the requests for production of documents served on plaintiffs on October 4, 2011; and (3) signed releases for

medical, employment, and other information, as tendered to plaintiffs on the same date. All objections by plaintiffs are deemed waived.

B. Plaintiffs must submit to oral deposition no later than **December 31, 2011**, on dates and times to be determined by counsel.

C. **Plaintiffs are warned that any failure to comply with the provisions of this order may result in the imposition of severe sanctions, including any of the sanctions allowed by Fed. R. Civ. P. 37(b).**

IT IS FURTHER ORDERED that the following sanctions are imposed on attorney Phillip Toutant and the law firm of McKeen & Associates, jointly and severally, arising from the unexcused absence of plaintiffs' counsel from a settlement conference scheduled by order of this court for November 22, 2011:

United States Attorney's Office	-	\$100
Smith, Haughey, Rice & Roegge	-	\$200
Rutledge, Manion, Rabaut, Terry & Thomas, P.C.	-	\$500

Sanctions are payable no later than **December 16, 2011**.

DONE AND ORDERED this 7th day of December, 2011.

/s/ Joseph G. Scoville  
United States Magistrate Judge